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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIE JACOBY,

Plaintiff,

-against-

HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY,

Defendant.

**MEMORANDUM IN SUPPORT OF DEFENDANT'S
MOTION FOR EXTENSION OF PAGE LIMIT ON REPLY BRIEF**

Defendant Hartford Life and Accident Insurance Company (“Hartford”) hereby submits this memorandum in support of its motion to extend the page limits for its reply brief in connection with its motion for summary judgment. Plaintiff does not object to the extension.

On Friday afternoon, April 18, 2008, Hartford received the Plaintiff's memorandum in opposition to Hartford's motion for summary judgment. Hartford's reply is due May 2, 2008. The Individual Practices of this Court require that a reply brief not exceed ten pages in length, but this case presents unusual circumstances which, Hartford submits, justify an extension.

This is a case brought by Plaintiff under the Employee Retirement Income Security Act of 1974 ("ERISA"). As in most cases brought under ERISA, the employee welfare benefit plan

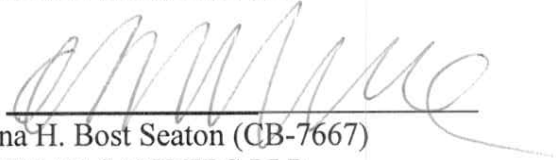
at issue expressly reserves discretion to Hartford to render decisions regarding the eligibility for benefits. There is no dispute about that point. Based on the language of the plan and the fossilized law of the Second Circuit and, indeed, the United States, Hartford's decision should be reviewed to determine whether it was arbitrary and capricious.

Plaintiff does not accept this standard of review. Although the standard of review is sometimes challenged in ERISA cases based on the plan language or an alleged conflict of interest, Plaintiff here challenges the *constitutionality* of the standard of review. Although Hartford submits the argument is wholly without merit, it is obvious that Plaintiff intends to pursue the contention based on the fact that, earlier in the case, she made it the subject of an approximately 30-page memorandum and motion which the Court did not require Hartford to address. Given the potential for appeal in this case based, Hartford requests ten additional pages to properly preserve its arguments which demonstrate that Plaintiff's position is incorrect. In light of Plaintiff's request that this Court take action which would entirely transmogrify the face of ERISA jurisprudence and threatens the efficiency of the system currently in place, Hartford respectfully requests that its request be granted. Further buttressing Hartford's position is that the administrative record in this case is 1,845 pages and Hartford must have space in the reply brief to address the underlying merits of the case.

Based on the foregoing, Hartford requests that its motion be granted and that it be allowed an additional ten pages for its reply brief.

Dated: New York, New York
April 21, 2008

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By: 
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CERTIFICATE OF SERVICE

I hereby certify that I am attorney for Defendant and that on April 21, 2008, I electronically filed a copy of the foregoing with the Clerk of the Court and served a copy of the same by first class mail to the following:

TO:

Scott M. Riemer
60 East 42nd Street
Suite 2430
New York, NY 10165

Dated: New York, New York
April 21, 2008

A handwritten signature in cursive script, appearing to read 'CH Bost Seaton', written over a horizontal line.

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